

REMARKS

Claims 1-10 were previously withdrawn and Claims 11-43 are pending in the above-identified application. Claims 11-43 were rejected. With this Amendment, Claims 11, 13, 15, 22, 24, 26, 33, 35 and 37 are amended.

Objection To Claims

The Examiner objected to the claims because the numbering of the claims jumped from 8 to 10. Applicant has hereby corrected the numbering of the claims and respectfully requests removal of this objection.

35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 11-14, 22-25 and 33-36 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by *Letorey et al.* (U.S. Patent No. 5,521,445). Applicant respectfully traverses this rejection.

Applicant respectfully submits that *Letorey* does not disclose or fairly teach "storing the at least one timer setting in a memory in the coffeemaker apparatus." *Letorey* teaches a device that includes programming means for setting the absolute time and the "relative time". This "relative time" determines how long, before or after the absolute time, an appliance will be turned on. In *Letorey*, the memory for storing both the absolute time and the relative time, as well as the means for comparing these times and the means for controlling the appliance, are all disposed in the device.

By contrast, amended Claims 11, 22, and 33 each require, among other limitations, "storing the at least one timer setting in a memory in the coffeemaker apparatus." This has significant advantages over the prior art. For example, as discussed in the present specification at p. 27, one advantage of storing the timer setting in a memory in the coffeemaker apparatus is

that the coffeemaker apparatus can begin operation at a preprogrammed time even if it is unable to communicate with the controller at that preprogrammed time. Accordingly, as the cited reference does not disclose "storing the at least one timer setting in a memory in the coffeemaker apparatus", Applicant submits that the claims are in condition for allowance.

35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 15-19, 26-30 and 37-41 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Letorey et al.* (U.S. Patent No. 5,521,445) in view of *Vancha* (U.S. Patent No. 4,980,540). Claims 21, 32 and 43 were also rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Letorey* in view of *Burklin* (U.S. Patent No. 5,848,028). Applicant respectfully traverses these rejections for the same reasons as discussed above for Claims 11, 22, and 33.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Early notification of such effect is earnestly solicited. Should the Examiner have any remaining issue, Applicant kindly requests that the Examiner contact the undersigned.

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Respectfully submitted,

By: 

Jordan A. Sigale
Registration No. 39,028
SONNENSCHEN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000